



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

October 3, 2005

S. 1197

Violence Against Women Act of 2005

*As reported by the Senate Committee on the Judiciary
on September 12, 2005*

SUMMARY

S. 1197 would authorize the appropriation of about \$3.9 billion over the 2006-2010 period, or nearly \$800 million annually, for various programs in the Department of Justice (DOJ) and the Department of Health and Human Services (HHS) that aim to reduce violent crimes against women and assist the victims of such crimes. In addition, the bill would permit DOJ to collect DNA samples from certain individuals who commit federal offenses.

CBO estimates that implementing S. 1197 would cost about \$2.7 billion over the 2006-2010 period, assuming appropriation of the authorized amounts. In addition, enacting the bill could affect direct spending and receipts, but we estimate that any such effects would be less than \$500,000 annually.

S. 1197 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) because it would increase the number of protection orders that state, tribal, and territorial governments must enforce. CBO estimates that the cost for those governments to comply would be small and well below the threshold established in UMRA (\$62 million in 2005, adjusted annually for inflation).

S. 1197 would impose private-sector mandates, as defined in UMRA, on international marriage brokers located in the United States and on individuals who have been arrested or detained for federal offenses. CBO estimates that the aggregate direct costs of those mandates would be small and would fall well below the annual threshold established by UMRA for private-sector mandates (\$123 million in 2005, adjusted annually for inflation).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 1197 is shown in the following table. The costs of this legislation fall within budget functions 550 (health), 600 (income security), and 750 (administration of justice).

	By Fiscal Year, in Millions of Dollars					
	2005	2006	2007	2008	2009	2010
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Programs Authorized by S. 1197						
Budget Authority/Authorization Level ^a	382	34	34	34	0	0
Estimated Outlays	99	199	151	131	72	16
Proposed Changes:						
DOJ and HHS Programs to Combat Violence Against Women						
Authorization Level	0	761	761	760	793	793
Estimated Outlays	0	175	414	566	677	773
DOJ Collection of DNA Samples						
Estimated Authorization Level	0	24	25	26	27	27
Estimated Outlays	0	19	25	26	27	27
Total Proposed Changes						
Estimated Authorization Level	0	785	786	786	820	820
Estimated Outlays	0	194	439	592	704	800
Total Spending for Programs Authorized by S. 1197						
Estimated Authorization Level	382	819	820	819	820	820
Estimated Outlays	99	394	590	723	776	817

NOTES: Components may not sum to totals because of rounding.

a. The 2005 level is the amount appropriated for that year for the programs that would be authorized by S. 1197. The 2006-2008 levels are the total amounts authorized in current law for those programs.

BASIS OF ESTIMATE

CBO estimates that implementing S. 1197 would cost about \$2.7 billion over the next five years, assuming appropriation of the specified and estimated authorizations in the bill. Enacting the bill could affect direct spending and receipts, but we estimate that any such effects would not be significant.

Spending Subject to Appropriation

S. 1197 would authorize the appropriation of a total of about \$3.9 billion over the 2006-2010 period for various DOJ and HHS programs that aim to reduce crimes of violence against women and assist the victims of such crimes. For this estimate, CBO assumes that the bill will be enacted near the beginning of fiscal year 2006, that the authorized amounts will be provided each year, and that spending will follow historical patterns for these or similar programs. CBO estimates that implementing the bill would cost \$2.6 billion over the 2006-2010 period.

Programs that would receive the highest levels of funding under S. 1197 include:

- STOP Grants (in DOJ) that provide funds to states and facilities to develop strategies to combat violent crimes against women;
- DOJ grants to encourage arrests and enforce protection orders;
- DOJ grants to provide legal assistance to victims; and
- HHS grants for rape prevention and education programs.

In addition, S. 1197 would permit DOJ to collect DNA samples from persons arrested, detained, or convicted for violations of federal laws. Based on the number of individuals taken into federal custody in recent years, we estimate that about 250,000 persons annually would be affected by this provision. According to DOJ, it would cost about \$100 to collect, process, and store a DNA sample. Thus, CBO estimates that it would require funding of \$25 million annually to carry out this provision, assuming appropriation of the necessary amounts.

Revenues and Direct Spending

S. 1197 would broaden the coverage of certain crimes involving violence against women, thus enabling the government to pursue cases that it otherwise would not be able to prosecute. Because those prosecuted and convicted under S. 1197 would be subject to civil and criminal fines, the federal government might collect additional fines if the bill is enacted. Collections of civil fines are recorded in the budget as revenues. Criminal fines are recorded as revenues, then deposited in the Crime Victims Fund and later spent. CBO expects that any additional revenues and direct spending would not be significant because of the relatively small number of cases likely to be affected.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

S. 1197 contains an intergovernmental mandate as defined in UMRA because it would increase the number of protection orders that state, tribal, and territorial governments must enforce. Under current law, state and tribal governments must enforce protection orders issued by other state and tribal governments. This bill would expand that mandate to include U.S. territories. Based on information from state representatives, CBO estimates that the number of additional protection orders would be small and that the cost for state, tribal, and territorial governments to enforce those orders also would be small and well below the threshold established in that act (\$62 million in 2005, adjusted annually for inflation).

The bill would benefit state, local, and tribal governments by authorizing the appropriation of more than \$3 billion over fiscal years 2006-2010 for a variety of new and existing programs to assist law enforcement and housing agencies. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

S. 1197 would impose private-sector mandates, as defined in UMRA, on international marriage brokers located in the United States and on individuals who have been arrested or detained for federal offenses. CBO estimates that the aggregate direct costs of those mandates would be small and would fall well below the annual threshold established by UMRA for private-sector mandates (\$123 million in 2005, adjusted annually for inflation).

Regulation of International Marriage Brokers

Section 833 would prohibit international marriage brokers, as defined in the bill, from providing personal contact information, photographs, or general information about the background of any individual under the age of 18. In addition, the bill would impose mandates on international marriage brokers by prohibiting them from providing the personal contact information of any individual 18 years of age or older without:

- Collecting certain background information in writing and signed by individual clients to whom personal contact information of an individual would be provided;
- Providing that background information in the primary language of an individual releasing their contact information;
- Receiving signed, written consent from an individual to release that contact information;
- Providing information to their clients regarding their legal rights and resources related to domestic violence; and
- Notifying certain clients that criminal background checks are done when filing for certain visas.

The bill also would impose on international marriage brokers new requirements regarding the release or protection of information related to protective orders or involvement with victims of certain crimes.

Based on information from government and other sources, the number of international marriage brokers located in the United States is small. Also, according to those sources, the overwhelming majority of people who seek marriage broker services are men. In addition, a 1999 study commissioned by the government estimated that the number of marriages arranged between U.S. men and foreign women ranges between 4,000 and 6,000 per year. The administrative costs of complying with those mandates should be small, and therefore, CBO expects that the direct costs of the mandates would be small.

Collection of DNA Samples

Section 1003 would authorize the Attorney General to collect DNA samples from individuals who have been arrested or detained for federal offenses under regulations to be established by the Attorney General. The Attorney General also may authorize any other agency of the

United States that arrests or detains individuals or supervises individuals facing charges to carry out the collection of such samples. Under current federal law, collection of a DNA sample from an individual who has been arrested or detained generally requires a finding of probable cause. According to information from government sources, the regulations established under this bill would most likely provide that the samples be collected at no cost to the individual. Therefore, CBO estimates that the direct cost of the mandate for individuals arrested or detained for federal offenses would be negligible, if any.

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